

REMARKS

Applicant respectfully requests reconsideration of the above-identified application. Clarifying amendments have been made to Claims 1, 8, and 14. Additionally, Claims 2-7, 13, and 15-23 have been canceled, and new Claims 24-35 have been added. Thus, Claims 1, 8-12, 14, and 24-35 are pending in the present application.

Claims 1-7, 9, 10, and 20 were rejected in an August 11, 2004, Office Action (hereinafter "Office Action") under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. D293,364, issued to Everard ("Everard") in view of U.S. Patent No. 5,245,713, issued to Tickle ("Tickle") and U.S. Patent No. 3,816,858, issued to Martin ("Martin"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle and Martin, and further, in view of U.S. Patent No. 6,230,338, issued to Kirsch ("Kirsch"). Claims 11-18 and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle and Martin, and further, in view of U.S. Patent No. 4,419,774, issued to Hajek ("Hajek"). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard, in view of Tickle, Martin, and Hajek, and further in view of Kirsch. Applicant respectfully asserts the present application is in condition for allowance. The reasons why applicant believes the present application is in condition for allowance are discussed in detail below.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7, 9, 10, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle and Martin. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard, in view of Tickle and Martin, and further in view of Kirsch. Claims 11-18 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle and Martin, and further in view of Hajek. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Everard in view of Tickle, Martin and

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Hajek, and further in view of Kirsch. Claims 2-7, 13, and 15-23 have been canceled and thus render the rejections to these claims moot. Applicant respectfully traverses the rejections to the remaining claims.

Claim 1

Amended Claim 1 is directed to portable washing device. Claim 1 includes a bottom wall constructed from an impermeable material; a plurality of inflatable side walls constructed from an impermeable material connected to the bottom wall, and an opening disposed in one of the plurality of side walls for accessing the interior cavity from a position exterior of the side walls. Claim 1 has been amended to recite that the "connection formed by or between said upper and lower inflatable tubular members extends along a majority of said upper tubular member and includes a center line, said connection including at least one segment disposed transverse to said center line that prevents separation of said upper tubular member from said lower tubular member when a force is applied from said opening to said first or second upper tubular member end along said center line."

In contrast, Everard teaches a bottom wall, a plurality of sidewalls formed by upper and lower tubular members, and an opening formed by ends of the upper tubular member. However, Everard, as described in the specification of the present application, does not disclose structure at the connection between the upper and lower tubular members that would prevent separation of the upper tubular member from the lower tubular member if a force is applied to the upper tubular member ends from the opening. Instead, Everard teaches a heat seal connection that acts like a zipper when a force is applied to the upper tubular member ends along its center line and causes the upper tubular member to tear away from the lower tubular member.

Similarly, Martin and Kirsch fail to teach such a structure that will prevent separation of the upper tubular member from the lower tubular members when a force is applied to the upper

tubular ends. Martin teaches an inflatable hair washing aid that includes a bottom member 12 that is joined to an encircling ringlike member 20. An annular inflatable tube 26 is connected to the member 20 by an encircling collar strip 24. See Figs. 1 and 2. However, Martin does not teach or suggest an opening in the inflatable tube for receiving the patient's neck nor teaches or suggests that the collar strip includes structure that is capable of preventing separation of the tube 26 from the member 20 when a force is applied along the center line of the strip. With regard to Kirsch, the Office action contends that Kirsch teaches a reinforced heat seal at Col. 2, lines 12-15. However, this section of Kirsch only teaches a pad 18 constructed of a pair of plastic sheets 20 and 22 that is connected by a heat seal at its periphery. See. Fig. 1. Kirsch does not teach or suggest that the heat seal includes any structure that would prevent separation of one sheet from the other when a force is applied along the heat seal centerline. Further, Tickle fails to correct the deficiencies in Everard, Martin, or Kirsch.

Under § 103, a *prima facie* case of obviousness is established only if the cited references, alone or in combination, teach each of the limitations of the recited claims. *In re Bell*, 991 F.2d 781 (Fed. Cir. 1993). Since Everard, Tickle, Martin, and Kirsch, either alone or in combination, fail to teach or suggest each and every recited element of amended Claim 1, applicant asserts that a *prima facie* case of obviousness has not been established. Therefore, applicant respectfully requests the pending rejection of Claim 1, under U.S.C. § 103(a) be withdrawn. Accordingly, applicant further requests withdrawal of the rejections to claims 8-12, which depend from Claim 1.

New Claims 24-35

New Claims 24- 35 have been added to particularly point out and distinctly claim the novel aspects of the present invention. Applicant respectfully asserts that the newly submitted claims recite combinations of features neither taught nor suggested by the prior art. Specifically,

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New Claims 24-27 depend from independent Claim 1, and thus, are allowable for the reasons discussed above.

New Claim 28 recites a device having "a connection formed by or between the upper and lower inflatable tubular members, said connection extending along a majority of said upper tubular member and having a center line, wherein said connection includes structure that prevents separation of said upper tubular member from said lower tubular member when a force is applied from said opening against said first or second upper inflatable layer end along said connection center line that would otherwise separate said upper inflatable layer from said lower inflatable layer absent said structure." For at least the same reasons as discussed above with regard to Claim 1, applicant's invention, as recited in Claim 28, is believed to be allowable over the prior art..

New Claim 31 recites a device having "means for preventing the separation of said upper inflatable layer from said lower inflatable layer when a force is applied from said opening against said first or second upper inflatable layer end along said connection center line that would otherwise separate said upper inflatable layer from said lower inflatable layer absent said means for preventing the separation of said upper inflatable layer from said lower inflatable layer." For at least the same reasons as discussed above with regard to Claim 1, applicant's invention, as recited in Claim 31, is believed to be allowable over the prior art.. Accordingly, applicant respectfully submits that new Claims 24-35 are in condition for allowance.

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CONCLUSION

In light of the foregoing amendments and remarks, applicant asserts that the claims of the present application recite a combination of features neither taught nor suggested by the prior art. Therefore, applicant respectfully requests early and favorable action, and the allowance of all pending claims. If any further questions remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,

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